

REPORT AND DECISION ON THE FIRST AMENDMENT TO THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A MASSACHUSETTS GENERAL LAWS, (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME MARCUS GARVEY ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT.

The "Application For Authorization And Approval Of A Project Under Chapter 121A Massachusetts General Laws, (Ter. Ed.), As Amended, And Chapter 652 Of The Acts Of 1960, As Amended, And For Consent To The Formation Pursuant To Chapter 121A Of An Urban Redevelopment Limited Partnership Under The Name Marcus Garvey Associates For The Purpose Of Undertaking And Carrying Out The Project" was approved by the Boston Redevelopment Authority in its Report and Decision on said Application, which Report and Decision was approved by the Authority on June 30, 1975.

July
The First Amendment to the aforementioned Application requests that Exhibit C "Requested Permission to Deviate from Boston Zoning Code" and the Plans originally submitted for the Project be amended. The Authority is satisfied that the proposed Amendment to the Application is minor in nature, and does not substantially or materially alter or affect the Application, or the Project proposed therein, and therefore does not require a public hearing.

Accordingly, the Application and the Authority's Report and Decision thereon is amended as follows:

1. Exhibit C of the Application "Requested Permission to Deviate from Boston Zoning Code" is amended by deleting therefrom all previous requests to deviate from certain requirements of the Boston Zoning Code with reference to the John Eliot Square and Norfolk Street Sites and inserting in lieu thereof, the following requests:

I. John Eliot Square Site

Article 8. Permission to deviate from certain use restrictions in an H-1 district set forth in sub-sections 34, 37, 39, 41, 43, 44, 58 and 71 of Section 8-7. The H-1 district includes only a part of the John Eliot Square frontage, most of which is in an L-1 district. The uses requested are not inconsistent with existing uses and with uses permitted on the remainder of the frontage in the L-1 district. Uses for which permission is sought include neighborhood retail stores, restaurants, professional offices, banks, barber shops and other personal service establishments, parking and ancillary uses.

Article 14 Permission to deviate from lot area requirement (14-1 plus 14-2). Code requires 131,500 square feet. The site contains approximately 94,000 square feet. Proposed lot coverage is not inconsistent with present coverage of adjacent and nearby blocks. Construction of a subsidized residential project of the type proposed would not be feasible if the lot area requirements were applied.

Article 15 Permission to deviate from the provision limiting the floor area ratio (FAR) to 1.0 on the site. The proposed FAR would be approximately 1.3. The additional floor area is necessary if this subsidized residential project is to be feasible.

Article 16 Permission to deviate from height limitation in the L-1 zone only. The code provides for a maximum height of 3 stories or 35 feet. The proposed Project would have a maximum height of 7 stores or 65 feet. Such a height is necessary for a project of this type if it is to be feasible.

Article 17 Permission to deviate from useable open space requirements. The Code requires 45,600 square feet of useable open space on the site. The Plans provide for 38,820 square feet. However, the following open spaces and recreational areas are or will be located nearby: Timilty Junior High School, across John Eliot Square from the Project (containing two proposed parks now under contract with the Authority, providing both active and passive outdoor recreational facilities); Campus High School, within 5 minutes walk (providing a full range of interior and exterior recreational facilities); the new Roxbury YMCA, the Washington Park Recreational Center, and the Roxbury Boys Club, all within 15 minutes walk of Project (containing swimming, basketball, hockey, and other facilities); and the Connelly Playground, 10 minutes southwest of the Project (containing a number of outdoor ball fields).

Articles 18,
19 and 20

Permission to deviate from front, side and rear lot requirements. Front yard requirements (20 foot setback) apply along the three street lines. The building shown in the plans has only a 15 foot setback along the Highland Street frontages, and automobiles would be parked as close as 10 feet from part of the Norfolk Street frontage. The site also has a 25 foot yard along part of its southeast boundary, whereas a 30 foot rear yard is required by Article 19 of the Code.

Article 21 Permission to deviate from parapet setback requirement. The Code requires a setback of 32.5 feet on the Highland Street frontage, whereas the proposed building would be set back 15 feet along that frontage. 14 feet is required on the John Eliot Square frontage and 12.5 feet is proposed.

Article 23 Permission to deviate from off-street parking requirement. The Code requires 103 spaces for the John Eliot Square Site. The Project proposes 53 spaces. Studies made by the Authority have indicated that tenants in subsidized housing projects such as this actually use and require fewer parking spaces than HUD and the Zoning Code generally demand. Also, additional parking for the John Eliot Square neighborhood is proposed on the Timilty Junior High School Site, across the Square from the Project. For these reasons, it is not expected that the proposed deviation would create hardships for the tenants of the Project, or would materially increase on-street parking in the area.

II. Norfolk Street Site

Article 14 Permission to deviate from the total lot size requirement (14-1 plus 14-2). The Code requires a total lot size of 12,500 square feet. The site contains approximately 11,920 square feet.

Articles 18
19 and 20

Permission to deviate from minimum yard requirements. Building #1 shown on the accompanying plan is on a corner lot requiring a 20 foot front yard on Highland Street with 4 feet proposed to align with the building on the adjacent lot; 10 foot front yard required with none proposed; and no side yards required with 12.5 and 14 feet proposed. Buildings #2 and #3 share a through lot fronting on both Lambert and Norfolk Streets. Each building requires 20 foot front and rear yards and no side yards. For Building #2 the project proposes no front yard (buildings are entered from side court yard), a 45 foot read yard, a 12.5 foot side yard, and a 58 foot side yard overlapping the rear yard of building #3. For building #3 the project proposes a 5 foot front yard, a 42 foot rear yard, an 8 foot side yard, and a 52 foot side yard overlapping the read yard of building #2.

Article 22 Permission to deviate from yard regulations (Sec. 22-4) requiring that two buildings on the same lot be separated by yards of the same dimensions as if the buildings were on different lots. This could require as much as 60 feet between buildings. The proposed buildings #1 and #2 would be separated by a yard of 25 feet.

Article 23 6 parking spaces are proposed and 7 required.

2. The Plans entitled "Roxbury Action Program - RAP-UP II A", prepared by Stull Associates, Inc., consisting of sixteen sheets, dated March 26, 1975, which Plans were filed with the Application and made a part thereof, are hereby deleted and the Plan entitled "RAP II A HOUSING", prepared by Stull Associates, Inc., consisting of fifty sheets dated July 26, 1976, are inserted in lieu thereof.

The Authority hereby approves the "FIRST AMENDMENT TO THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME MARCUS GARVEY ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT" and hereby consents to the Amendment to the Application and Report and Decision thereon as set forth above.

SUMMARY OF AMENDED REQUESTS
FOR PERMISSION TO DEVIATE
FROM BOSTON ZONING CODE

I. John Eliot Square Site

- Article 8 - Permission to use item 44 businesses (i.e. tailor shop; hand laundry; dry cleaning shop) as a permitted use within the Project Area. Uses for which permission was previously granted to occupy the 9,400 square feet of proposed commercial space included neighborhood retail stores, restaurants, professional offices, banks, barber shops and other personal service establishments.
- Article 15 - The Floor Area Ratio has been reduced from 1.35 (originally granted) to 1.3 (code requires FAR of 1.0 on the site).
- Article 17 - The Code requires 45,600 square feet of open space on the site. The original plans provided for 15,012 square feet of open space (permission to deviate was granted). The amended plans call for 38,820 square feet of open space on the site.
- Article 21 - Applicant seeks permission to deviate from parapet set back requirement. Code requires 14 feet on the John Eliot Square frontage and 12.5 feet is proposed. On the original proposal, 36.5 feet was required on the Highland Street frontage and 15 feet was proposed (deviation was granted). Under the new plans, only 32.5 feet is required and the proposed building would be set back 15 feet along that frontage.

II. Norfolk Street Site

- Article 17 - Permission to deviate from usable open space was requested and granted in original Application. This request has now been deleted.
- Article 18 -
19 and 20 Permission to deviate from minimum yard requirements. Building #1 shown on the accompanying plan is on a corner lot requiring a 20 foot front yard on Highland

Article 18 -
19 and 20

Street with 4 feet proposed to align with the building on the adjacent lot; 10 foot front yard required with none proposed; and no side yards required with 12.5 and 14 feet proposed. Buildings #2 and #3 share a through lot fronting on both Lambert and Norfolk Streets. Each building requires 20 foot front and rear yards and no side yards. For Building #2 the project proposes no front yard (buildings are entered from side court yard), a 45 foot rear yard, a 12.5 foot side yard, and a 58 foot side yard overlapping the rear yard of building #3. For building #3 the project proposes a 5 foot front yard, a 42 foot rear yard, an 8 foot side yard, and a 52 foot side yard overlapping the rear yard of building #2.

Article 23 - Code requires 7 parking spaces and none originally proposed. (deviation was granted). Proposal now calls for 6 parking spaces on the site.

MEMORANDUM

SEPTEMBER 9, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE FIRST AMENDMENT TO THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME MARCUS GARVEY ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT.

July

The Marcus Garvey Associates 121A Application, dated May 29, 1975, was acted on by the Authority in a Report and Decision dated ~~June~~ 30, 1975. The subject 122 unit housing development to be constructed on three sites, has since been delayed by the unavailability of mortgage financing from the Massachusetts Housing Finance Agency (although this problem is expected to be remedied shortly). Because of this delay, a tax agreement has not been fully negotiated with the City of Boston and thus the Application has not been transmitted by the Authority to the Mayor for final approval.

During the period since the Authority's approval, certain minor changes have been made in the Plans for the proposed housing because of subsequent design review by the MHFA staff. As a result of these changes, the Applicant has requested permission to revise their Application by filing the new Plans and also filing an amended Exhibit C of the Application, "Requested Permission to Deviate from Boston Zoning Code".

The Authority's Urban Design Department has approved the new Plans and the Zoning staff has approved the change in the deviations from the Zoning Code. A summary of the requested amendments to the zoning deviations is attached. For the most part, the changes requested deviate less from the Zoning Code's requirements than those originally approved by the Authority. Therefore, approval of the amended Exhibit C would be consistent with the deviations originally granted.

In the opinion of the Chief General Counsel this amendment does not represent a fundamental change and does not require a public hearing.

It is therefore appropriate at this time that the Authority adopt the Report and Decision on the First Amendment to the Marcus Garvey 121A Application.

An appropriate Vote is attached.

Attachments

VOTED: That the document presented at this meeting entitled: "REPORT AND DECISION ON THE FIRST AMENDMENT TO THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME MARCUS GARVEY ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT", by and hereby is approved and adopted.